IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

MFA.No. 1325 of 2001(C)

OP(MV).1029/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM
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APPELLANT: APPLICANT

M.S. RAJESH KANNAN, S/o SASIDHARAN NAIR,
T.C. 48/818(1)
PRANAVAM, KOCHIRAVILA, MANACAUD P.O.
THIRUVANANTHAPURAM

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:RESPONDENTS
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1. PRABHAKUMAR, KUNNIL VEEDU, MAVELTHALAKONATHU MURI
KALLAMPALLY, ULLOOR, THIRUVANANTHAPURAM
2. SREEKANTAN NAIR, S/o VASUDEVAN NAIR,
T.C. 22/321, PANAYIL VEEDU, ATTUKAL, MANACAUD P.O.
THIRUVANANTHAPURAM
3. THE NEW INDIA ASSURANCE CO. LTD.
K.N.MATHEW BUILDINGS, PULIMOODU,
THIRUVANANTHAPURAM REPRESENTED BY ITS
DIVISIONAL MANAGER

R3 BY ADV. SRI.KKM.SHERIF
SMT.ARLISS TRENCY ANTONY

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

M.F.A. No 1325 of 2001

Dated: 16 th January 2007

JUDGMENT

Krishnan, J.

This appeal is filed against the award passed by the Claims Tribunal, Thiruvananthapuram in O.P. (M.V) No 1029 of 1997. Claimant sustained injuries in a road accident and the Tribunal has awarded a sum of Rs 40,900/-. It is against that decision the present appeal is filed.

2. A perusal of the award would reveal that claimant had sustained fracture of the tibia and fibula besides fracture of medial malleolus and fracture of second and third netarasals. There was a deep lacerated wound besides the punctured wound on the foot. Though the claimant had produced Ext. A5 disability certificate which would show that he had sustained permanent disability of 6%, Tribunal had only taken 5% and no reason has been given for the same. Considering the nature of the injuries sustained we feel that the disability as such can be accepted. If it is estimated at 6% the

total compensation would come to Rs 17,280/-, i. e., additional compensation of Rs 2,880/-. Tribunal has awarded no amount towards loss of amenities in life. We feel in the fitness of things an amount of Rs 5,000/- can be awarded under this head. So the claimant will be entitled to additional compensation of Rs 7,880/-. In the result, the appeal is partly allowed and the claimant is awarded an additional compensation of Rs 7,880/- with 7% interest on the said sum from the date of petition till realisation and the Insurance company is directed to deposit the amount within a period of two months from the date of the judgment.

SD/-
(K.S. RADHAKRISHNAN, JUDGE)

SD/-
(M.N. KRISHNAN, JUDGE)

16/01/2007
en

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